



*The Energy Consortium, Inc.*

24 Hastings Road  
Lexington, MA 02421- 6807  
Phone/Fax 781 862 0888

**A non-profit Association of Industrial, Commercial, Institutional and Governmental Large Energy Users**

Ms. Courtney Feeley Karp  
Green Communities act Rulemaking Team  
Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

February 9, 2009

**Subject: Proposed Final Regulations - Comments on Renewable Energy Portfolio Standard**

Dear Ms. Karp:

The Energy Consortium, TEC, is pleased to file comments with the Green communities Act Rule Making Team. TEC is a non-profit association of commercial, industrial, institutional and governmental large energy users in Massachusetts and has been concerned with energy regulatory matters for over 36 years. It advocates positions that promote fair cost-based energy rates, diversified supplies and safe and reliable service for member organizations, their employees and all Massachusetts ratepayers.

Section 14.05 (7) (c) of 225 CMR 14.00, Renewable Energy Portfolio Standard – Class 1 states that, “The electrical energy output from a Generation Unit shall be verifiable by the ISO-NE or by an independent verification system or person participating in the NEPOOL GIS accounting system as an independent Third Party Meter Reader, as defined in Rule 2.5(j) of the NEPOOL GIS Operating Rules, or any successor rule, and approved by the Department.” While we support a verification process, the process defined herein is overly burdensome for some types of RPS eligible generation units. The proposed new RPS rule moves the burden of proof from DOER to the generator regardless of size, and we consider this a barrier to entry for small projects into the RPS market. Small generators contribute to the overall renewable footprint of the Commonwealth and are often the easiest type of facility to site. The incentive for RPS credit is often a deciding factor in the

*Partial List of Members: Acushnet Co., Brandeis University, Clark University, Creative Paper Inc., Fidelity Investments, Flexcon, Harvard University, MIT, MWRA, P & G (Gillette), Partners HealthCare, Polaroid Corp., Saint-Gobain, Tufts University, UMass Medical, United States Gypsum Company, Whitehead Institute, WPI, W.R. Grace, and Wyeth Bio-Pharmaceutical*

implementation of the project. Third party verification may add an unnecessary layer of cost and effort to verify readings of projects from very small projects that have very limited income from the RPS. In addition, this may result in undercounting of renewable projects in Massachusetts.

The DEP could establish a “Licensed Verification Professional Process” by which individuals have specific professional responsibility to accurately certify the RECs. Section 14.10 (1) (a) (b) (c) requires that any person submitting documentation be certified. We suggest that this continue to be considered adequate certification for projects that do not exceed 1 MW. Absent this, the list of verifiers needs to be large enough to be able to accommodate the number of RPS Sources which it is not now. The DOER will need to define its own conditions for certification as an Independent Third Party Verifier and offer training in this area. If the DOER continues to pursue this rule, we suggest that implementation be delayed 3-5 years to establish the requirements and train people to do this type of work.

Thank you for the opportunity to comment on the Proposed Final Regulations. TEC looks forward to reviewing other stakeholder comments and participating in further discussions.

Respectfully submitted,

A handwritten signature in blue ink that reads "Roger Borghesani". The signature is written in a cursive, flowing style.

Roger Borghesani, Chairman